

FILED

1 UNITED STATES DISTRICT COURT
 2 EASTERN DISTRICT OF CALIFORNIA

APR 11 2023

3 MELVIN A. PARKER #

4 PLAINTIFFS

CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY _____ DEPUTY CLERK

5 JEFF LYNCH, WARREN CSP SAC et al
 6 A. WATTS, CORRECTIONS OFFICER

7 S. CORTES, SERGEANT CSP SAC

8 Individually and Official Capacity

9 Defendants.

CIVIL ACTION NO.

COMPLAINT

2:22-cv-02015 KJN

I. JURISDICTION & VENUE

This is a civil action authorized by 42 U.S.C Section 1983 to redress the deprivation, under color of state law, of Rights Secured by the Constitution of the United States. THE Courts has jurisdiction under 28 U.S.C. section 1331 and 1333(a)(3). MELVIN A. PARKER # seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202.

Melvin A. Parker #, claims for injunctive relief be it temporary, is authorized by 28 U.S.C. Section. 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedures.

THE EASTERN DISTRICT OF SACRAMENTO CALIFORNIA IS AN Appropriate venue under 28 U.S.C. section 1331(b)(3) because it is where the events giving rise to the claim occurred.

II. PLAINTIFFS

MELVIN A. PARKER # is and was at all times mentioned herein a

1 prisoner of the STATE OF CALIFORNIA in the custody of the
2 CALIFORNIA STATE PRISON of SACRAMENTO, whom is currently
3 confined in CSP-SAC STATE PRISON, in REPREST, CA.

4

5 III. DEFENDANTS.

6 1) Defendants Jeff Lynch is the Warden of CSP-SAC
7 STATE PRISON and for the welfare of all the inmates of the
8 Prison.

9 2) Defendants. A. WATTS, is a Corrections Officer of the (CSP-
10 SAC) STATE PRISON. Who at all times mentioned in this comp-
11 plaint held the rank of prison guard and was assigned to
12 CSP-SAC prison.

13 3.) Defendants. S. Corture, is the 2nd Watch Sergeant of the
14 CSP-SAC state prison. Who at all times mentioned in this
15 complaint held the rank of 2nd watch Sergeant super-
16 visor over inmates and Correctional Officers A-yard.
17

18 Each defendant is sued individually and in his official capacity.
19 At all times mentioned in this Complaint each defendant
20 acted under the color of state law.

21

22 III. FACTS

23 AT all times relevant to this case, Melvin A. Parker III was housed
24 in AF 126. (CLAIM I.)

25 ON 8-10-22, Defendants A. WATTS OFFICER and S. Corture
26 2nd Watch Sgt approached my cell to conduct a routine cell

1 search.

2 I was ordered out of my cell by sergeant Corture and told to
3 face the wall in the Day room, as I Complied I was pun-
4 ched in the back of My head and punched in the leftside
5 of face, by officer A,watts and sergeant Corture.

6 Corrections Officer A,WATT'S then Slammed Me to
7 the Ground continuing to use "EXCESSIVE FORCE" by Twisting my
8 arms causing pain and suffering.

9
10 Sergeant Corture Continued to use "EXCESSIVE FORCE" while
11 I Layed still on the ground by placing his knee in leftside
12 of my NECK causing Me pain and suffering.

13
14 I was then excocted by both officers A,WATT'S and sgt Cortu-
15 re to receive Medical for the wounds from being Assaulted
16 (See Exhibits-A)

17 Corrections Officer A,WATT'S and sergeant Corture both
18 filed false documents Reporting I "Battered Officers" while
19 EXITING my cell to Cover-up their Actions and placed me
20 in lock-up.

21 I filed a "EXCESSIVE FORCE" report requesting the
22 video footage be viewed due to officer Lying and filing
23 false documentations claiming I Assaulted officers.

24 with sergeant Boyed and Flockoo 2nd Watch sergeant.

25 Sergeant Boyed informed Me that the videotape
26 did infact work, BUT it was out of her hands.

27
28 I was locked-up in A5 ASU 8-10-22 and upon my arrival

1 To the Housing Unit. I met inmate "David Evans" who
2 informed me that, "He was in the Hole for the same
3 thing" being Beating by Sergeant Couture, then filing false
4 claims against inmates to cover for his Actions and
5 That it was countless inmates in the Hole with us
6 now behind sergeant Couture!!

7 inmate David Evans, also informed me that the
8 Warden Jeff Lynch was made "well-aware" about Sgt C-
9 ourture. Conduct from countless inmates filing 602 and
10 writing the Warden office, and I should file a 602 against
11 both officers and Demand to view the "Video Footage" after
12 being lie to by Corrections Officers A, WATTS. (see Exhibit B)

13 (Claim II.)

14 Warden Jeff Lynch, was made aware of Sergeant Couture
15 conduct prior to the incident with petitioner and failed
16 to intervene to the complaints from other inmates while
17 submitted several 602 in GRIEVANCE to Sergeant Couture
18 conduct of EXCESSIVE FORCE and filing false allegations
19 alledging inmates committed Battery's on Corrections
20 Officers when inmates fail to do so. These allegations
21 file against Sgt Couture where supported by Cameras
22 Footage Warden Jeff Lynch failed to review that
23 resulted in Sgt Couture continuing to assault inmate then
24 to cover up his action, File False allegations against inmates
25 as well as petitioner.

26 Warden Jeff Lynch, was "Deliberate Indifference"
27 to an serious safety risk and imminent danger to my

1 My which suffered irrevocable injuries both physically and
2 constitutionally of The Eighth Amendment.
3

4 IV. EXHAUSTION OF LEGAL REMEDIES

5 I used the prison grievance procedure available to CSP-
6 STC prison to try and solve the problem. the Grievance
7 became lost, I requested on the 2-14-23 by inmate request
8 form "TREAT AS Original" and was denied on 2-27-23
9 (see exhibitd)

10 V. LEGAL CLAIMS.

11 DEFENDANTS, Corrections OFFICER, AWATTS and Sgt CO,
12 HUERS. Used EXCESSIVE FORCE against PETITIONER by punching
13 Me and Slammering when I was not violating any prison rule,
14 and was not acting disruptively. Defendants AWATTS and
15 Sgt Corture actions violated my rights under the "Eigh-
16 th. amendment." to the United State CONSTITUTION, and
17 caused Me pain, Suffering, physical injury and Emotion-
18 al. distress.

19 Defendants, Sergeant Corture, used and
20 continued to use "EXCESSIVE FORCE" against Me by placing
21 his knee in my NECK and Facial area when I wasn't
22 VIOLATING any prison rules, NOR acting disruptively in
23 any way.

24 Defendant Sergeant Corture, actions violated My "Eighth
25 Amendment. CONSTITUTIONAL Right's and is causing Me
26 pain and Suffering, physical injury's and Emotional
27 distress".

28

Defendant Jeff Lynch Warden, of CSP-SAC State prison. Controller of all Staffs and Corrections Officers, Actions failing to correct the Misconduct, and he Encouraged. the Continuation of the Misconduct by failing to Intervene when notified of Defendant sergeant Torture conduct is a Violation to plaintiff's Rights under the Eighth Amendment to the United State Constitution and Causing Me pain, suffering physical injury and Emotional distress.

Plaintiff has no plain, adequate or Complete Remedy at Law to redress the Wrong described herein. Plaintiff has been and Will Continue to be irreparably injured by the Conduct of the defendants, unless this Court "GRANTS" the declaratory and injunctive relief which plaintiff seeks.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff RESPECTFULLY PRAY that this Court Enter Judgment:

GRANTING Plaintiff a Declaration that the act and Omissions described herein violated his Rights Under the CONSTITUTION and Law of the United States, and A preliminary and permanent injunction ordering defendants AHRATTIS, sergeant Torture and Warden Jeff Lynch. "TO Cease" their physical violence and false filing of Report and Grant plaintiff Compensatory damages in the amount of 1 million Dollar\$ against each defendant

1 Jointly and severally.

2 Plaintiff seek punitive damages
3 in the amount 1 Million Dollars.

4 Plaintiff seek these damage against each defendant
5 Jointly and severally.

6 Plaintiff seeks Damages against all Defendants.

7 Plaintiff also seek a Jury Trial On all issues Triable
8 by Jury and any addition relief this Court deems
9 proper and equitable plaintiff also seek to be
10 TRANSFERED TO LANCASTER STATE PRISON.

11
12 DATED: 3-29-23

13 Respectfully submitted
14

15 MELVIN A. PARKER III

16 Melvin A. Parker III

17 (CSP - SAC) - AZ#227

18 P.O BOX 290066

19 REPRESA, CA 95671

20 *VERIFICATION*

21 I have read the foregoing Complaint and hereby
22 verify that the matters alleged therein are true, except
23 as to MATTERS Alleged on information and belief, and
24 as to those, I believe them to be true. I certify penalty
of perjury that the foregoing is true and correct.

25
26 EXECUTED at Represa, Ca on March 28th 2023

27
28 Melvin A. Parker III

EXHIBIT COVER PAGE

A

EXHIBIT

Description of this Exhibit: (1) Medical Report, (8/10/22), (1) GRIEVANCE, (8/15/22), (1) Declaration of David Evans, (3/29/23), (1) (Inmate Request, (2/24/23)).

Number of pages to this Exhibit: 4 pages.

JURISDICTION: (Check only one)

- Municipal Court
- Superior Court
- Appellate Court
- State Supreme Court
- United States District Court
- State Circuit Court
- United States Supreme Court
- Grand Jury

STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
 OR UNUSUAL OCCURRENCE**
 CDCR 7210 (Rev. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

Exhibits A

NAME OF INSTITUTION <i>C.C.P. SAC</i>	LOCATION OF EVALUATION <i>A - Sally Port</i>	DATE <i>8/10/2022</i>
--	---	--------------------------

REASON FOR REPORT ALLEGATION ON THE JOB INJURY USE OF FORCE INJURY OTM RETURNS
 UNUSUAL OCCURRENCE PRE AD/SEG ADMISSION R&R OTHER

NAME <i>PARKER</i>	LAST <i>PARKER</i>	FIRST <i>McGuire</i>	CDCR NUMBER <i>AP1330</i>	PERNR / INST. ID #	VISITOR ID # (SOMS)
PLACE OF OCCURRENCE <i>A7-124</i>	DATE OF OCCURRENCE <i>8/10/2022</i>	TIME OF OCCURRENCE <i>1916</i>	TIME SEEN <i>2023</i>	RN NOTIFIED <i>7/10</i>	PHYSICIAN NOTIFIED TIME

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

'Officer Watts assulted ② side of my face'

INJURIES FOUND? YES NO

Abrasion/Scratch	1
Active Bleeding	2
Broken Bone	3
Bruise/Discolored Area	4
Burn	5
Dislocation	6
Dried Blood	7
Fresh Tattoo	8
Cut/Laceration/Slash	9
Swollen Area	10
Pain	11
Protrusion	12
Puncture	13
Reddened Area	14
Skin Flap	15
Pre-Existing	16
Other	17
	18

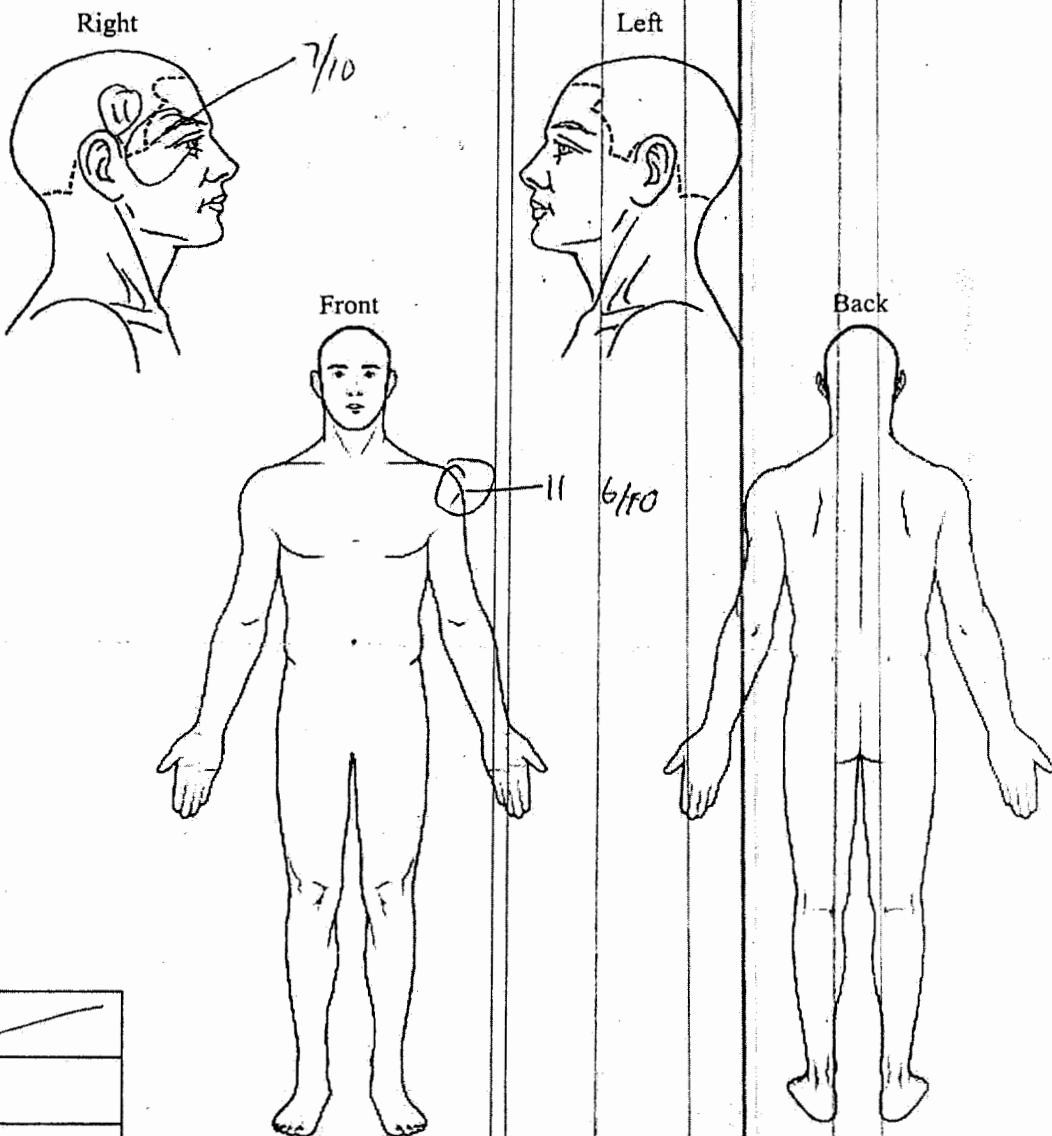
Chemical Agent Exposure? YES NO

Chem. Agent Exposure Area	EX
---------------------------	----

Decontaminated w/ Water?
YES / NO / REFUSEDDecontaminated w/ Air?
YES / NO / REFUSEDSelf-decontamination Instructions given?
YES / NOStaff issued Exposure packet?
YES / NO

Q 15 min. check times

Initial		1 st Check
2 nd Check		Final

TIME/DISPOSITION
*2023*REPORT COMPLETED BY/TITLE (PRINT AND SIGN)
*M. Mallingo - Inv*PERNR / INST. ID #
*82844*RDOs
*W/T*ASSIGNMENT AREA
A81/MINIMUM/M

STAFF USE ONLY	Grievance #: <u>792394</u>	Date Received: <u>CSP-SAC 04/11/23</u>
	Date Due:	<u>JUL 15 2023 /u10-27</u>
	Categories:	

This is the process to ask for help with a complaint.

Claimant Name: Parker, Melvin CDCR #: API33D Current Housing/Parole Unit: AT-223U
 Institution/Facility/Parole Region: CSP-SAC - FOISOME

In order for the Department to understand your complaint, make sure you have answered the following questions:

- What is the nature of your complaint?
- When and where did the complaint occur?
- Who was involved?
- Which specific people can support your complaint?
- Did you try to informally resolve the complaint?
- What rule or policy are you relying on to make your complaint?
- Are there documents that would be helpful to support your position? List the documents if you do not have them. Please note that documents submitted with this form will not be returned.
- What specific action would resolve your complaint?

On 8/10/22 around 7:30pm at CSP-SAC A7-C-section SatCarture and Building officer WATTIS Requesting that I Step out of my cell due to a random cell search and face the wall upon complying with orders Building Officer WATTIS and SatCarture Then punch me in the face, Then grabbing me from behind and Slaming me to the ground around my neck injuring me. (See medical Report) T219
(SEE section via) Incident Requested

via OF C-Section Dayroom cameras be preserved of incident
that any alleged claim of "Video Camera's" being Broke, damaged,
Loss ect - Be Recorded of when any work orders were requested
dates also Time's.

Also Officer's WATTIS and SatCarture be fired
for the Crime of Battery on Inmate then filing false documents
to Cover such crime.

Internal Affairs Investigations

and transfer due to Officer's Retaliation against me!

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.:	FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):		
ATTORNEY FOR (Name):		
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO STREET ADDRESS: 501 I STR, SUITE 4-200 MAILING ADDRESS: SACRAMENTO, CA CITY AND ZIP CODE: 95814 BRANCH NAME: EASTERN DISTRICT Court of SACRAMENTO</p>		
PLAINTIFF/PETITIONER: MELVIN PARKER III AP133D		
DEFENDANT/RESPONDENT: Warden Jeff Lynch, Sgt Carter et al;		
DECLARATION		CASE NUMBER:

Exhibit-C

i, David Evans declare,

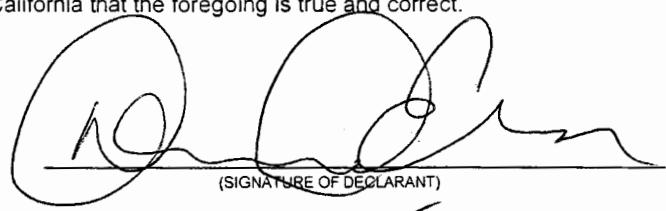
- i have been housed at California State Prison Sacramento on A-facility since February 2020.
- i have complained to Warden Lynch about Correctional Officer Carters use of Unnecessary and Excessive use of force, then falsifying reports to justify his actions.
- Warden Lynch upon my belief did nothing about it
- Officer Carter was made a Sergeant despite all the complaints against him.
- Sergeant Carter used Excessive and Unnecessary use of force on me on or about June 2022.
- At that time Sergeant Carter had about 5 inmates in the Ad-Seg on false battery charges that he used force against.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **3 - 20 - 23**

David Evans

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

Attorney for Plaintiff Petitioner Defendant
 Respondent Other (Specify):

InMATE REQUEST.

TO: Inmate Appeal Coordinator Office.

FR: PARKER, M. API330. A2#227

Date: 2-24-23.

REASON: I Sent My G02 GRELVANCE dated 8-10-22 FOR Appeals Coordinator Appealing an incident dated: 8-10-22.

I never RECEIVE My GRELVANCE Back from the Appeals Coordinator or Staff in My housing Unit never issued it to ME upon returning from your office as policy mandate.

Please REISSUE MY G02 and "Treat AS Original" as policy and procedure states when G02's are Lost or has not been issue in timely matter or When inmate IS Requesting a Copy.

Thank you.

*ps.

(Upon Reply please Sign and Date,
So I am able to File if need be the correct person
OR person's.)

Alexander

2/27/23

log# 292594 was closed out 8/24/22, you received a decision letter stating it had been referred outside the grievance process. It is currently still under investigation.

Alexander you will need to go through your counselor 3/6/23 for copies of past G02s (additional copies) ->

PROOF OF SERVICE

(C.C.P. §§1013(a); 2015.5; 28 U.S.C. §1746)

I, Melvin Parker III, am over the age of eighteen (18) years, and I (am) (am not) a party to the within cause of action. My address is:

Melvin Parker III
CSP-SAC-AZ-227
PO BOX 2510006
REPRESA, CA 95671

On, 4/4/23, I served the following documents:

1 pg Civil Complaint, with 3 pgs of Exhibits A, B, C & D

on the below named individual(s) by depositing true and correct copies thereof in the United State mail in Represa, California, with postage fully prepaid thereon, addressed as follows:

1. OFFICE OF THE CLERK
501 "I" STREET-SUITE 4200
SACRAMENTO, CA 95814 2. _____

I have read the above statements and declare under the penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 4 day of April, 2023, at California State Prison - Sacramento, Represa, California.

(Signature) Melvin Parker III

00001534-1059

1. Applicant (Last, First & Middle)

Date of Birth (mm/dd/yyyy)

12. Height 13. Hair Color 14. Eye Color 15. Occupation 16. Employer or School (if applicable)

5'5" Black Gray Blue

Nurse

None

17. Additional Contact Phone Numbers

(201) 777-7684

(Home) ✓
None

(Cell) 973-5114 CC-724-7777 None

18. Permanent Address - If P.O. Box listed under Mailing Address or if residence is different from Mailing Address

Street/RFD # or P.O. Box

Apartment/Unit

111 E. Newfield Rd. R.R. 1

City

State Zip Code

Carteret

NJ 07008

19. Emergency Contact - Provide the information of a person not traveling with you to be contacted in the event of an emergency.

Name

Address Street/RFD # or P.O. Box

Apartment/Unit

Mike Johnson

State Zip Code

Phone Number

Relationship

John Johnson

(732) 750-3549 Daughter

20. Travel Plans

Departure Date (mm/dd/yyyy) Return Date (mm/dd/yyyy) Countries to be visited

10/16/23 11/01/23 Mexico, Canada

**STOP! YOU HAVE COMPLETED YOUR APPLICATION
BE SURE TO SIGN AND DATE PAGE ONE**



DS-82 V 08-20-3-2

AFFIDAVIT of Mark Linn Bryan

The purpose of this affidavit is to establish for the record this affiant's intent to apply for a passport in the capacity of an American National as opposed to a citizen of the United States.

Mark Linn Bryan, affiant, with express reservation of all my rights in law, equity and all other modes of law, being of sound mind and lawful age, do solemnly declare:

1. I am a natural born on the land of California of parents who were white who were Citizen Principals and whose parents time out of mind were and always had been white. As an individual I abdicated directly the status of Citizen Principal of said state sharing equally in the sovereignty of Slaughter house Cases 163 U.S. 36 (1873).

2. As a white man born on the land of California, I am not restricted by the 14th Amendment and because I receive no protection from it, I have no reciprocal obligation to a 14th Amendment allegiance or sovereignty and owe no obedience to anyone under the 14th Amendment. Cf. United States v. Wong Kim Ark 169 U.S. 649 (1898).

3. I am a free Citizen of the aforesaid state of my birth and derivative and mediate thereof. I am also a citizen of the United States of America as contemplated in the Constitutional Contract of 1787.

4. I am NOT domiciled within federal territory.

5. I am not a citizen of the United States as contemplated by the 14th Amendment to United States Laws, as I do not reside in any state with the intention of receiving from the Federal Government or any other party a benefit or protection against the legislative power of that state pursuant to the authority of the 14th Amendment.

6. I have totally canceled and rescinded my voter registration in 2006 due to the requirement of the law section that I be a statutory United States citizen which is a crime (cf. 15 USC 201).

7. I am therefore nonresident to the residency and "alien" to the citizenship of the 14th Amendment.

8. As the tax imposed in 26 U.S.C 1 pursuant to 26 CFR 1.1-1 is on citizens and residents as contemplated by the 14th Amendment, it is not an applicable Internal Revenue Law to me as I am neither such a citizen or resident.

9. I am NOT engaged in trade or business since I am NOT a public officer (cf. R.C. 773.17(26)).

10. I am responsible for all taxes that apply to me.

11. Now that and the fact that I may have in past years filed U.S. Individual Income Tax Returns, such filings were done under mistake by me not knowing that such filings were and still are not statutory citizens and residents of the United States as contemplated by the 14th Amendment or United States Codes.

12. If anyone is injured by my mistake upon receipt of an invoice stating facts and evidence signed under penalties of perjury or upon the production of a lawful original signature contract will make that party whole.

I furthermore, am not a resident of any state under the 14th Amendment or a statutorily resident and hereby publicly disavow any contract form, agreement, application, certificate, license, permit or other document that I or any other person may have signed expressly or by acquiescence that would grant me any privileges and thereby ascribe to me rights and immunities under any substantive system of law that is not that of the Constitutional Government of the United States of America and of the constitutions for the several states of the Union exclusive of the 14th Amendment.

4. I declare that I have made the above determinations and this declaration under no duress, constraint, promise of reward or gain, or undue influence and of my own free will, with full mental reservation and with no intent to evade any legal duty under the laws of the United States or any of the several states.

15. I hereby give notice that I disavow any compulsory ~~free~~ where I am required to declare under penalty of perjury that I am a statutory citizen of the United States.

16. I sincerely invite any person who has reason to know or believe that I am in error in my declarations above to so inform me and to state the reason(s) they believe I am in error. In writing care of the mailing address shown below:

Mark Linn Bryan
11474 10th Street
Santa Barbara, CA 93108
California Residential Code 1008
narrator

Notary Public
State of California
County of Santa Barbara
Title: Notary Public
Exempt without United States

JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20_____, by
Mark Linn Bryan, proved to me on the basis of satisfactory evidence to be the
 person(s) who appeared before me.

Signature Mark Linn Bryan (seal)





California State Prison–Sacramento
P.O. Box 290066
Represa, CA 95671

NAME: KELVIN PARKER
CDCR#: AP1330 Facility/Bed: A - 2 227

**STATE PRISON
GENERATED MAIL**



ATTN

OFFICE OF THE CLERK
501 "I" STREET, SUITE #4-200
SACRAMENTO, CA 95814

11-27-175
APW 06 2022
E3-50 MAILROOM

~~LEGAL MAIL / CONFIDENTIAL~~

A horizontal row of 20 identical vertical bars, each consisting of a thick black line with a thin white center, arranged in a single row.